
Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Choptank Electric Cooperative, Inc.)	File No. EB-10-CF-0005
Licensee of Radio Station WQKM544)	
Denton, MD)	NOV No. V201032340001

NOTICE OF VIOLATION

Released: January 21, 2010

By the Acting District Director, Columbia Office, Northeast Region, Enforcement Bureau:

1. This is a Notice of Violation ("Notice") issued pursuant to Section 1.89 of the Commission's Rules,¹ to Choptank Electric Cooperative "Choptank," licensee of private land mobile radio station WQKM544, Denton, Maryland.

2. On January 15, 2010, in response to an interference complaint from another private land mobile licensee, an agent of the Commission's Columbia Office investigated radio station WQKM544, located on Burchard Sawmill Road, Crumpton, Maryland and observed the following violation:

47 C.F.R. § 90.403(f): "Stations licensed in this part shall not continuously radiate an unmodulated carrier except where required for tests as permitted in § 90.405, except where specifically permitted by this part, where specifically authorized in the station authorization, or on an as needed basis in the Radiolocation Radio Service." During the investigation, the agent determined that Choptank was radiating an unmodulated carrier on the frequency 462.1375 MHz that was not associated with testing or maintenance of the radio system and such transmission did not fall within any of the noted exceptions.

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,² and Section 1.89 of the Commission's Rules, Choptank must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response must fully explain each violation, must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and should include a time line for completion of pending corrective action(s). The response must be complete in itself and signed by a principal or officer of Choptank. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

¹ 47 C.F.R. § 1.89.

² 47 U.S.C. § 308(b).

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Columbia Office
9200 Farm House Lane
Columbia, Maryland 21046

4. This Notice shall be sent to Choptank at its address of record.

5. The Privacy Act of 1974³ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance. Any false statement made knowingly and willfully in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁴

FEDERAL COMMUNICATIONS COMMISSION

Richard M. Caine
Acting District Director
Columbia Office
Northeast Region
Enforcement Bureau

³ P.L. 93-579, 5 U.S.C. § 552a(e)(3).

⁴ 18 U.S.C. § 1001 *et seq.*